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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,278	03/08/2001	Ari Juels	RSA-044 (7216/66)	-6866

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,278

Applicant(s)

JUELS, ARI

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. This Office action is in response to Applicant's Response, filed on 12/12/2003.
2. Claims 1-23 are pending.
3. The rejection to claims 1-17 under 35 U.S.C. 102 (e) as being anticipated by Herz (U.S. pat. No. 6,460,036) as set forth in the Office action mailed on 6/12/2003 is maintained see., below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-17 are rejected under 35 U.S.C. 102 (e) as being anticipated by Herz (U.S. Pat. No. 6,460,036).

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As per claims 1, 3, 5-8, and 11 Herz discloses a customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a target profile for each target object in the electronic media based (which is readable as Applicant's claimed invention wherein it is stated that a method for enabling targeted information retrieval while protecting consumer privacy) comprising:

providing a plurality of elements of information (see., abstract, specifically target objects, col 1, lines 18-43, col 6, lines 63-67, col 7, lines 1-12);

specifying a negotiant function designed to accept a plurality of elements of data associated with a consumer as input and produce an information request as output, said information request designating at least one element of information to present to the consumer from among a plurality of elements of information (see., col 39, lines 47-60, specifically wherein it is stated that in order to negotiate the release of user-specific information and credentials, server s4 may require server s2 to supply credentials proving that the user or consumer is entitled to the information requested, for example, proving that the user or consumer is a subscriber in good standing to a particular information service); and

distributing the negotiant function to a consumer for executing by said consumer (see., col 39, lines 47-65, specifically wherein it is stated that proxy server s2 has sent a message to a server s4 and server s4 has created a response M2 to message M1 to be sent to the user).

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As per claim 2, Herz discloses the claimed method of receiving the information request from said consumer, said information request produced by the negotiant function (see., col 39, lines 47-65, specifically wherein it is stated that in order to negotiate the release of user-specific information and credentials, server s4 may require server s2 to supply credentials proving that the user or consumer is entitled to the information requested, for example, proving that the user is a subscriber in good standing to a particular information service);

transmitting the at least one element of information to the consumer in response to the information request (see., col 39, lines 47-65, specifically wherein it is stated that proxy server s2 has sent a message to a server s4 and server s4 has created a response M2 to message M1 to be sent to the user or consumer).

As per claim 4, Herz discloses the claimed method wherein said negotiant function is designed to accept a plurality of elements of data associated with a consumer as input (see., abstract, please note that plurality of elements or target objects, col 1, lines 18-43, col 6, lines 63-67, col 7, lines 1-12).

As per claims 9, 10, 12, 13, 14, 15, 16, and 17, Herz discloses the claimed method of encrypting the plurality of information requests; and aggregating a plurality of request pair v1 said plurality of request pair having a sequence, each of said plurality of request pairs comprising an encrypted information request and a consumer identifier (see., abstract, col 1, lines 18-43, specifically cryptographic based proxy server).

ALLOWABLE SUBJECT MATTER

6. Claims 18-23 are allowed over the prior art of record.

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed on 12/12/2003 have been fully considered but they are not persuasive.

REMARKS

8. In response to claims 1 and 7, Applicant argues that Herz does not teach or suggest:
- a. " distributing the negotiant function to a consumer for execution by said consumer".
- Based upon foregoing rejection indicated above, it is believed that Herz discloses this limitation in col 39, lines 47-65, col 40, lines 1-67, specifically wherein said proxy server S2 has sent a message to a server S4 and server S4 has created a response M2 to message M1 to be sent to the user. This process is to negotiate the release of user-specific information and credentials from proxy server S2, and therefore readable as distributing the negotiant function to a consumer or user.
- b. " executing said negotiant function to generate the information request". However, the Examiner respectfully disagrees since Herz discloses this limitation in col 39, lines 45-67, specifically wherein said negotiate the release of user-specific information from proxy server S2 to a server S4 and S4 has created a response M2 to message M1 to be sent to the user or consumer.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

March 10, 2004